

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed May 3, 2004 (i.e., Paper No. 2). Having addressed all objections and grounds of rejection, originally presented claims 1-20, along with newly presented claims 21-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The specification has been amended above to include the serial number and filing date of a cross-referenced, co-pending, commonly assigned, application.

The Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,134,549, issued to Regnier et al (hereinafter referred to as "Regnier") in view of U.S. Patent No. 6,606,596, issued to Zirngibl et al (hereinafter referred to as "Zirngibl"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness and for basing his rejection on clearly erroneous findings of fact as discussed in detail below.

The Examiner's burden of proof for establishing a *prima facie* case of obviousness is found in MPEP 2143, which requires evidence of three factors: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements present in the alleged

combination. The Examiner has simply not met his burden of proof and/or has done so by clearly erroneous findings of fact.

Specifically, with regard to motivation of the alleged combination of claim 1, the Examiner states:

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Regnier with the teachings of Zirngibl so as to have RDBMS on the computer network from which the clients or users on the network are able to transfer/sending (sic) and receive the message or information from/to the user (sic). The motivations being to have a client terminal from which the user can execute or perform or retrieve or view or display the service request being sending/transferring from/to the terminal in the computer network. (Emphasis added)

The only RDBMS elements shown by Zirngibl (see Fig. 3A and Fig. 4) are utilized for translation of voice to electronic commands and electronic responses to voice. Column 6, lines 21-24, states:

....the generated sound files and any additional files used in IVBs are stored and managed using a relational database management system (RDBMS), which allows easy categorization and management of the various files and file types.

There is no showing that "clients or users on the network are able to transfer/sending and receive the message or information from/to the user".

Contrary to controlling law, the Examiner does not even address his obligation to show "reasonable likelihood of success". He could not do so, because the voice communication

system of Zirngibl (see Fig. 4) is completely incompatible with the purpose and operation of the system of Regnier.

Finally, the alleged combination does not have all of the claimed elements. With regard to claim 1, the Examiner states:

With respect to claim 1, Regnier teaches a user terminal coupled to said legacy data base management system via said publically accessible digital data communication network (a client terminal connecting to LAN network in the client/server computer system wherein the database is to be stored: see fig. 1, col. 4, lines 15-48);

It is clearly erroneous to state that the LAN of Regnier is a "publically accessible digital data communication network", because it is by its very nature "private" not "public". The Examiner admits that Regnier does not have a "legacy data base management system". Neither does Zirngibl.

The claim further requires a "facility which saves the current computational data as a table for later use". The Examiner cites column 8, lines 25-28, and column 12, lines 38-42, which do not show this feature. Column 8, lines 25-28, states:

This type of processing could be performing a calculation, translating an item (one to one), generating a value (one way), and mapping to a program for the actual data.

As if this were not sufficiently unrelated to the actual claim limitation, column 12, lines 38-42, states:

Although specific embodiments have been illustrated and described herein, it will be appreciated by those of ordinary skill in the art that any arrangement which is calculated to achieve the same purpose may be substituted for the specific embodiment shown.

Surely, the Examiner can appreciate the legal irrelevance of this statement. It shows nothing, much less the claimed element.

The rejection of claim 1, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to meet any of the required showings of MPEP 2143 to present a *prima facie* case of obviousness.

Claim 2 depends from claim 1 and further limits the "facility" element. Having not found this element in rejecting claim 1, the Examiner cites a great deal of Regnier text which does not meet the limitation of claim 2. The rejection of claim 2, and claims depending therefrom, is respectfully traversed.

Claim 3, as originally presented, contained a typographical error which has been corrected by the above amendment. As amended, claim 3 further limits the "service request" to "executable text lines". This is not found in the prior art of record. The rejection of claim 3, and claims depending therefrom, is respectfully traversed.

In rejecting claim 4, the Examiner cites Fig. 5 of Regnier. Column 3, lines 43-45, describes Fig. 5 stating:

FIG. 5 illustrates a screen for free form selection of a client profile by a system administrator according to one embodiment of the present invention.

There is no showing that the screen of Fig. 5 can be utilized by a "user" (rather than "system administrator") to generate a "service request" (rather than a "client profile"). The

rejection of claim 4, and claim depending therefrom, is respectfully traversed.

Claim 5 depends from claim 4 and further limits the "screen" of claim 4. The Examiner again cites Fig. 5 which is inappropriate as explained above. The rejection of claim 5 is respectfully traversed.

In his rejection of claim 6, the Examiner repeats the above clearly erroneous findings of fact and adds some additional ones. For example, the Examiner clearly erroneously states:

....the user can view or manipulate the data via GUI screen as in fig. 5 and calculating the data to be stored in the database table for retrieval.

As explained above, Regnier limits the screen of Fig. 5 to access only by the "System Administrator" for selection of a "client profile". There is no showing that any user can access this screen.

Similarly, the Examiner states:

However, Zirngibl teachesstoring text files including XML or HTML format data content (col. 6, lines 26-36 and col. 17, lines 35-58 and ocl. 18, lines 1-28).

This statement is simply not supported by these citations, which are concerned with "voice files".

The rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and further limits the "publically accessible digital data network". As explained

above, Regnier does not have this elements, but has only a private Local Area Network. The rejection of claim 7, and claims depending therefrom, is respectfully traversed.

In his rejection of claim 6, the Examiner admits that Regnier does not have the claimed "legacy data base management system". However, in rejecting claim 8, the Examiner states:

With respect to claim 8, Regnier teaches a repository with said data base management system (database on the computer network server, col. 5, lines 53-67 and col. 6, lines 25-55).

The rejection of claim 8 is respectfully traversed as based upon findings which are clearly erroneous, legally irrelevant, and logically inconsistent.

Claims 9 and 10 further limit the "future use" of the stored information. Regnier has no such functionality. The rejection of claims 9 and 10 are respectfully traversed.

In his rejection of claim 11, the Examiner repeats many of the errors of his rejections of claims 1-10, and adds additional errors. For example, the "converting" step of claim element b occurs after the transfer of the service request. Regnier requires the conversion to be performed client side, as can be readily seen from the Examiner's citations. Column 10, lines 5-6, clearly states:

The client/user system then must translate the request into the native database language....

Furthermore, Regnier simply has no showing of storing the "interim computational state". The rejection of claim 11, and all claims depending therefrom, is respectfully traversed.

The Examiner repeats his citation of Fig. 5 in rejecting claims 12-15. As explained above, Fig. 5 of Regnier is only available to the "System Administrator". The rejections of claims 12-15 are respectfully traversed.

In rejecting claims 16-20, the Examiner repeats many of the numerous clearly erroneous findings of fact, errors of law, and logical inconsistencies discussed above in detail. Therefore, the rejections of claims 16-20 are respectfully traversed.

Newly presented claims 21-25, though differing somewhat in scope, are deemed to be patentable for similar reasons.

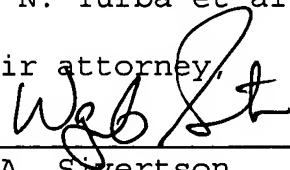
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Respectfully submitted,

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By their attorney,

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